

Denmark

Last update: April 2013

PART 1 – NATIONAL FRAMEWORK

Overview

National social dialogue	Principal Level of Collective Bargaining		All sectors at top level, but much is left to company negotiations					
	Workplace Representation		Union					
	Board-level Representation		Yes for state-owned and private enterprises					
National worker representation	Unions are central to workplace representation in Denmark. Local union representatives take up employees' concerns with management and are often also members of the main information and consultation body – the cooperation committee.							
Principal legal documents on H&S	Health and safety are covered by the statute on working conditions from 1977. More recently, the Executive Order on the cooperation of Safety and Health (Executive Order No. 1181 of 15 October 2010) issued by the Danish Working Environment Authority.							
Public authorities on H&S	The Danish Working Environment Authority is the authority which contributes to the creation of safe and sound working conditions at Danish workplaces. This is done by carrying out inspections of enterprises; drawing up rules on health and safety at work in cooperation with the social partners; and providing information on health and safety at work. The Danish Working Environment Authority has authority to penalise enterprises which do not comply with the working environment rules. To be noted, "Smileys" (green, yellow, red and with a crown) are published on the Working Environment Authority's website. As such, they allow the general public to see how an enterprise is doing in terms of health and safety.							
Employers' obligations on H&S	The employer shall take the measures necessary to protect the health and safety of the employees and to prevent health and safety risks, including providing information, instruction and training. In enterprises with a health and safety organisation, the employer shall conduct health and safety talks with the members of the health and safety organisation every year, where goals for the next years work are set, decision on how many representatives and meetings are necessary and discussion of the need for buying expertise to solve the tasks. If the health and safety committee gives advice to the enterprise, and the enterprise does not follow this advice, the enterprise shall explain its actions to the health and safety committee within a period of three weeks.							
Worker representative bodies on H&S	In enterprises with at least 10 employees, the employer shall establish a health and safety organisation. In enterprises with 35 or more employees, the employer shall establish a two-level health and safety organisation. Members of the health and safety organisation participate in the enterprise's planning of health and safety activities within their own field, including the annual health and safety talks and preparation and cooperation of the enterprise's workplace assessment.							
Organisation of the social dialogue on H&S issues within the country	Actors involved		Their role		Scope of influence			
	Safety reps (AMR), H&S supervisor (AL) and Employer		inform, consult, negotiate, co-decide		enterprise			
	Safety Groups in each department		They deal with daily OSH problems/issues		enterprise			
	Safety Committee		They do the strategy planning on OSH and control the working environment		enterprise			
	Sectorial H&S Boards for 11 sectors		Inform and produce materials on OSH		Sectorial level			
	The working environment Council		Advice the minister of employment and participate in making new legislation on OSH, develop new tools for OSH and make national strategy plans for the future		National level			
Specialized H&S bodies on regional, sectorial or another level	Name		Setup conditions		Composition		Role and functions	
	Blue colour workers have some regional		N/A		N/A		N/A	

	committees for OSH			
--	--------------------	--	--	--

PART 2 – ENTERPRISE LEVEL: ORGANISATION OF SOCIAL DIALOGUE AND WORKERS' PARTICIPATION ON H&S AT WORK

General organisation and role on H&S issues	No body's purely for employees at enterprise level. They meet on informal basis. The strategic, i.e. overall, activities are carried out by the health and safety committee.
Interaction of H&S representation with the general representation of workers	Mainly at the blue colour workers unions in large enterprises the Safety reps (AMR) join the club activities and committees where the shop stewards meet.. At some enterprises over 35 employees, Safety reps (AMR) join the Work councils (one or two AMR).
Worker representation bodies on H&S at work	
<i>Implementation of worker representation in H&S on enterprise level</i>	All workers
<i>Thresholds of implementation</i>	No specific representation is set up in undertakings with fewer than 10 workers. Prevention must be ensured through personal contact between workers, employers and managers. In undertakings employing 10 workers or more, a safety rep (AMR) must be elected by the employees in each area of work. This representative together with the area line supervisor will comprise a safety group. In undertakings employing 35 or more workers, a safety committee must be set up.
<i>Role of the trade unions</i>	Formally there are non. In reality, the situation is very different from one trade union to another. Some unions invite all new elected to education for weeks and others do much less.
<i>Composition, mode of nomination or election of members</i>	Safety reps (AMR) are elected among all and by all workers at a enterprise. Any worker can be nominated for the election. All employees with no managerial power are entitled to vote. H&S Representatives are elected for a 2-years mandate. Safety groups are composed by a Safety rep (AMR) and H&S supervisor (AL). The H&S committee is composed of the members of the safety group or groups and the employer or his/her representative. In undertakings where there are more than two safety groups, the safety committee consists of two members elected by the safety reps (belonging to the safety groups), two representatives of managerial staff belonging to the safety groups and the employer or the employer's representative. Hence, 2 AMR and 2 AL and the owner himself or a representative with economic charge (5 persons all together).
<i>Area of competencies</i>	The strategic, i.e. overall, activities of the health and safety organisation include: <ol style="list-style-type: none"> 1. Planning, managing and coordinating the enterprise's cooperation on health and safety. The health and safety committee shall be responsible for the activities required to protect the employees and to prevent risks. 2. Carrying out the annual health and safety talks, . 3. Checking health and safety activities and ensuring that the health and safety groups are kept abreast with these activities and are offered guidance. 4. Planning and preparing the enterprise's workplace assessment, including the level of absence due to sickness, bearing in mind the current principles of prevention, 5. Establishing the size of the health and safety organisation, 6. Advising the employer on solutions to health and safety issues and on how to include health and safety in the strategic management and daily operations of the enterprise. 7. Ensuring that the cause of accidents, poisoning incidents and harm to human health as well as near accidents, etc. are investigated, and ensuring that measures to prevent such incidents are implemented. Once a year the health and safety committee shall prepare a complete list of accidents, poisoning incidents and harm to human health in the enterprise. 8. Keeping abreast of legislation on the protection of employees against health and safety risks. 9. Establishing principles for adequate and necessary training and instruction, adapted working conditions at the enterprise and the needs of the employees, as well as ensuring that compliance with these instructions is checked regularly.

	<p>10. Advising the employer about the skills development plan,</p> <p>11. Ensuring that an organisation chart of the health and safety organisation is prepared including information about members and ensuring that employees know about the chart.</p> <p>12. Contributing actively to coordinating the health and safety activities of the enterprise with other enterprises when work is carried out at the same location.</p> <p>The operational, i.e. day-to-day activities include:</p> <p>1. Being responsible for, and participating in, activities to protect the employees and to prevent risks.</p> <p>2. Planning health and safety activities and contributing to preparing the workplace assessment, including the level of absenteeism due to sickness, bearing in mind the current principles of prevention,</p> <p>3. Checking that working conditions are completely adequate in relation health and safety.</p> <p>4. Checking that effective training and instructions adapted to the needs of the employees are given.</p> <p>5. Participating in the investigation of accidents, poisoning incidents and harm to human health as well as near accidents, etc. and reporting them to the enterprise or a responsible representative of the enterprise.</p> <p>6. Stimulating employees to behave in a way that ensures their own and others health and safety.</p> <p>7. Acting as a contact between the employees and the health and safety committee.</p> <p>8. Presenting to the health and safety committee, health and safety problems that the health and safety group cannot solve, or general problems for the entire enterprise.</p>	
Functions	Information / consult / control	
Rights of workers' representatives on H&S		
Right of withdrawal, of production stop in case of immediate danger	Yes	
	Since 1899 employee safety reps have been entitled to require that work be halted in the event of danger. This right has been reiterated in the law on working conditions.	
Right to conduct surveys	Yes	
	in connection with Risk assessment	
Right to require external assessments	No	
	Must be in agreement with employers: the H&S committee and the Safety group need to be consulted before seeking expert assistance to solve health and safety problems in their area.	
Right to lodge an appeal	Yes	
	Workers have the right to call the Labour Inspectorate anonymous and to claim composition in connection with a work accident	
Right to receive training	Yes	
	The employers needs to give the members of the health and safety organisation the opportunity to acquire the necessary knowledge about, and training in, health and safety matters.	
	Amount of training	3 days of mandatory health and safety training course (to be completed no later than 3 months after election or appointment). Moreover, within their first year as a health and safety representative, the employer is obliged to offer supplementary health and safety training corresponding to a 2 day course to health and safety representatives (so, a total of 5 days the first time they are elected) and supervisors in the health and safety organisation who have completed the mandatory health and safety course); and 1,5 day each of the following years.
	Frequency of training	Every year
	Training providers	trade union, specialized organisation, enterprise and private training providers (covered by the approval and evaluation scheme in pursuance of the Executive

		Order on Accreditation of Providers of Mandatory Health and Safety Courses)
<i>Allocated time during working hours to conduct their role</i>	Yes	
	The employer shall ensure that health and safety representatives and supervisors in a health and safety organisation are given the "time necessary" to perform their duties to the extent that this is reasonable considering the nature of the enterprise and its health and safety standards.	
<i>Protection against sanctions, dismissals in the frame of their mandate</i>	Yes	
	The health and safety representatives enjoy the same protection against dismissal or any other impairment of his or her conditions as a union representatives within the same or a similar field, for instance a shop steward. The health and safety representative may not be placed in an inferior position due the activities related to his or her duties.	
Link and the nature of the relations between the employee representatives and the trade unions		No legislative link. All workers can be elected as safety reps; also non members of trade unions.

PART 3 – ASSESSMENT OF THE SOCIAL DIALOGUE AND WORKERS' PARTICIPATION IN THE COUNTRY

Evolution

Significant changes within the various instruments on H&S issues during the last 5 years	Yes	
	<i>Objectives of these changes</i>	To extend the flexibility on enterprise level, underline the management responsibility for strategy planning on OSH, we have changed the regulation in 2010
	<i>Management of these changes</i>	Negotiated tripartite agreement transformed to legislation
	<i>Effects on the improvement or deterioration of the handling of these issues</i>	It is too early to say
Assessment of the achievements on H&S issues through social dialogue	In some cases stable, in some cases improving	
	<i>Some important milestones</i>	Influence on OSH national strategies

Perspectives to achieve a good social dialogue and workers' participation on H&S issues

Missing factors	External OSH Services
Existing key success factors	Trust and recognition of each other

PART 4 – APPENDICES

Glossary

AMO	<i>H&S organisation within the enterprise</i>
BAR	<i>Sectorial Council on OSH</i>
AMR	<i>Safety reps within the enterprise</i>
AL (Arbejdsleder)	<i>H&S supervisor</i>

Interesting links

<http://arbejdstilsynet.dk> (Danish Working Environment Authority);
<http://arbejdstilsynet.dk/en/engelsk/inspection/smile-26-6-07.aspx> (H&S Smiley);

Sources

Trade union contacts	FTF	Kahr Frederiksen Jan
	LO	Jacobsen Lone
Other	<ul style="list-style-type: none"> - http://www.worker-participation.eu - questionnaire reply - Executive Order on the cooperation of Safety and Health (No. 1181 of 15 October 2010) issued by the Danish Working Environment Authority 	